

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
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DATE FILED: 3/15/2021

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429-441 86TH STREET LLC,

Plaintiff,

v.

TOWN SPORTS INTERNATIONAL
HOLDINGS, INC.,

Defendants.

1:21-cv-01356-ALC
ORDER

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ANDREW L. CARTER, JR., District Judge:

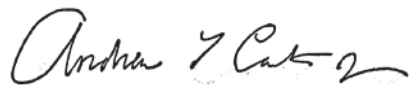
The Court is in receipt of the Parties' letters regarding how to proceed in this matter. ECF Nos. 13, 14. Whether or not to require Plaintiff, which initiated this matter in New York state court by a motion for summary judgment in lieu of complaint, to file a complaint is a decision within the sound discretion of this Court. *See Com/Tech Commun. Techs. v. Wireless Data Sys.*, 163 F.3d 149, 151 (2d Cir. 1998). The Court declines to require Plaintiff to file a complaint.

Defendant is ORDERED to file an answer by March 23, 2021. The Parties are further ORDERED to file a status report with a proposed schedule for the briefing of Plaintiff's motion for summary judgment, and any other motions then contemplated, by March 30, 2021.

SO ORDERED.

Dated: March 15, 2021

New York, New York



ANDREW L. CARTER, JR.
United States District Judge